



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: DPI Dykstra Sales

File: B-270761.2

Date: December 29, 1995

DECISION

DPI Dykstra Sales protests the award of a contract to Service Deli, Inc. by the Defense Commissary Agency under solicitation No. DECA02-95-R-0003.

We dismiss this protest on the basis that the protester is not an interested party.

Under the bid protest provisions of the Competition in Contracting Act of 1984, 31 U.S.C. §§ 3551-3556, only an "interested party" may protest a federal procurement. That is, a protester must be an actual or prospective supplier whose direct economic interest would be affected by the award of a contract or the failure to award a contract. Bid Protest Regulations, section 21.0(a), 60 Fed. Reg. 40,737, 40,739 (Aug. 10, 1995) (to be codified at 4 C.F.R. § 21.0(a)). Determining whether a party is interested involves consideration of a variety of factors, including the nature of issues raised, the benefit of relief sought by the protester, and the party's status in relation to the procurement. Black Hills Refuse Serv., 67 Comp. Gen. 261 (1988), 88-1 CPD ¶ 151. A protester is not an interested party where it would not be in line for contract award were its protest to be sustained. ECS Composites, Inc., B-235849.2, Jan. 3, 1990, 90-1 CPD ¶ 7. Here, the agency advises that DPI was third in line for award and since there has been no challenge to the eligibility for award of the intervening offeror who would precede the protester in eligibility under this solicitation, the protester lacks the direct economic interest required to maintain a protest.

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